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08 APR -7 AM 11:00

CLERK, U.S. DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA

BY: DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff,	Magistrate Docket No.
v.	COMPLAINT FOR VIOLATION OF:
Omar Gustavo RAMOS-Guzman, Defendant	Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **April 4, 2008** within the Southern District of California, defendant, **Omar Gustavo RAMOS-Guzman,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Ismael A. Canto
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **7th** DAY OF **APRIL, 2008**

Ruben B. Brooks
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Omar Gustavo RAMOS-Guzman

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On April 4, 2008, at approximately 5:00 P.M., Supervisory Border Patrol Agent (SBPA) G. Hermosura was performing line watch duties in the Imperial Beach Area of Operations. SBPA Hermosura responded to Agency dispatch via service radio of a seismic sensor activation near the area commonly known as, "Smugglers Canyon". This area is approximately 2 miles west of the San Ysidro, California, port of entry and two hundred yards north of the United States/Mexico International Boundary Fence.

SBPA Hermosura responded to the area, and after a brief search, SBPA Hermosura found three individuals scattered in the hillside hiding in dense brush in an attempt to conceal themselves. Due to the close proximately to the International Boundary fence, and due to the fact that this area is frequently used by undocumented aliens to further their entry into the United States, SBPA Hermosura identified himself as a United States Border Patrol Agent, and began to conduct an immigration inspection on each of the three individuals. Each of the individuals including one later identified as defendant **Omar Gustavo RAMOS-Guzman**, admitted to being citizens and nationals of Mexico illegally in the United States, and did not possess any documents that would allow them to legally enter or remain in the United States. At approximately 5:20 PM, SBPA Hermosura placed each of the three individuals under arrest and transported them to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **September 18, 2006** through **Calexico, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally.

Executed on April 6, 2008 at 9:00 a.m.

Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **April 4, 2008**, in violation of Title **8**, United States Code, Section **1326**.

Peter C. Lewis
United States Magistrate Judge

4-6-08 @ 11:36 a.m.
Date/Time